

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN WATERWAYS)	
OPERATORS,)	
)	
Plaintiff,)	
)	Case No. 18-12070-DJC
v.)	
)	
UNITED STATES COAST GUARD,)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Local Rule 56.1 and the Scheduling Order issued by this Court on April 25, 2019, Plaintiff American Waterways Operators (“AWO”) hereby moves for summary judgment in this action. The grounds for the motion are set forth in the accompanying memorandum of points and authorities. The underlying facts are set forth in a Statement of Material Facts filed with this motion.

Plaintiff respectfully requests that its motion be granted and that the Court find that the Coast Guard has unlawfully withheld and unreasonably delayed action in response to the remand orders of the Court of Appeals and this Court. Plaintiff further moves the Court for the issuance of a writ of mandamus requiring the Coast Guard to timely complete its actions in response to the Court of Appeals for the First Circuit’s remand order, issued in *United States v. Coalition for Buzzards Bay*, 644 F.3d 26 (1st Cir. 2011). Plaintiff requests that the Court require the submission by the Coast Guard of a schedule of not more than 120 days within which the Coast Guard will comply with the remand, and a deadline by which the Coast Guard will request restoration of the docket in *United States of America, et al. v. The Commonwealth of Massachusetts, et al.*, No. 1:05-cv-10112-DPW, to active status.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiff requests oral argument on their motion for summary judgment, according to the Court's scheduling requirements.

Dated April 26, 2019

AMERICAN WATERWAYS OPERATORS,

By Its Attorneys,

/s/ C. Jonathan Benner

C. Jonathan Benner (*pro hac vice*)

THOMPSON COBURN LLP

1909 K Street, N.W., Suite 600

Washington, D.C. 20006

202-585-6900

jbenner@thompsoncoburn.com

George J. Skelly (BBO# 546797)

Ronaldo Rauseo-Ricupero (BBO# 670014)

NIXON PEABODY LLP

Exchange Place

53 State Street

Boston, MA 02109-2835

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2019, I electronically filed the foregoing with the United States District Court for the District of Massachusetts using the Court's CM/ECF system. The parties in this case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

Respectfully Submitted,

/s/ Christine R. Couvillon

Christine R. Couvillon on behalf of:

C. Jonathan Benner (*pro hac vice*)

THOMPSON COBURN LLP

1909 K Street, N.W., Suite 600

Washington, D.C. 20006

202-585-6900

jbenner@thompsoncoburn.com

ccouvillon@thompsoncoburn.com